

REMARKS

Reply to Office Communication of August 1, 2006:

This Second Supplemental Reply replaces Applicants' Reply to Office Action dated May 15, 2006, and Supplemental Reply to Office Action filed on July 7, 2006, and responds to the Office Communication dated August 1, 2006 noting deficiencies in the July 7, 2006 Supplemental Reply. By this Second Supplemental Reply, Applicants have addressed the Examiner's concerns regarding particularly pointing out specific distinctions believed to render the pending claims patentable over the applied references. In particular, Applicants refer to the remarks below regarding a discussion of the patentability of each of the amended and new independent claims. In view of the remarks below, Applicants submit that this Second Supplemental Reply is a full and complete reply to the Office Action dated November 15, 2005.

Reply to Office Action of November 15, 2005:

In the outstanding Office Action, a restriction was made between claims 1-61 and 71-86 directed to a steerable machine, and claims 62-70 directed to a method of operating a machine. Based on this, claims 62-70 were withdrawn from consideration. Also in the outstanding Office Action, claims 12-47 were rejected under 35 U.S.C. § 251 as being an improper recapture of subject matter surrendered in the parent patent; claims 23 and 37 were rejected under 35 U.S.C. § 112, second paragraph; and claims 1-11, 48-61, and 71-86 were allowed.

Applicants thank the examiner for the indication of allowable subject matter and for the courtesy of a personal interview on January 5, 2006. The remarks below are consistent with the issues raised during the personal interview.

By this amendment, claims 1, 48-51, 58, 61-66, 71-74, 76, and 77 have been amended, claims 12-47, 55, 67, and 84 have been canceled, and claims 87-114 have been added. Accordingly, claims 1-11 and 48-54, 56-66, 68-83, and 85-114 are pending in this application, and claims 12-47, 55, 67, and 84 are canceled. Claims 62-70 have been withdrawn from consideration. The amendments to the claims and the newly added claims do not introduce new matter.

Claims 1, 48-51, 58, 61, 63-66, 71-74, 76, and 77 have been amended to further clarify the claims and maintain consistent terminology throughout the claims. The amendments to the previously submitted new claims 48-51, 58, 61-66, 71-74, 76, and 77 are provided in redline format in Appendix B of this Reply.

Applicants submit that independent claims 1, 48, 71, and 77 remain allowable because the prior art of record does not disclose or suggest each of the elements recited in the claims. For example, the prior art of record does not disclose a machine including, *inter alia*, a first articulation for moving a chassis with respect to a fixed point on a frame in order to move a rear support inward of the frame, and a maneuvering system accessible from the driver's cab for operating an actuator for rotating the rear supports about the rear vertical axis while turning the front supports of the machine, as recited in independent claim 1. Similarly, the prior art of record does not disclose a machine including, *inter alia*, a first articulation for moving a chassis with respect to a fixed point on a frame in order to move a rear support inward of the frame, and a steering system accessible from the driver's cab for operating an actuator for rotating at least one of the rear supports about a second rear vertical axis while turning the front supports of the machine, as recited in independent claim 71. Further, the cited prior art

fails to disclose or suggest a machine including, *inter alia*, a first rear support being pivotable about a vertical axis between a retracted position and an extended position, and a steering system controllable from a driver's cab and configured to selectively steer the front supports and at least the first rear support at the same time, as recited in independent claim 48. Even further, the cited prior art fails to disclose or suggest a machine including, *inter alia*, a front steering means, a rear steering means having at least one steering hydraulic cylinder for steering a pivotable rear support, and a steering system accessible from a driver's cab for operating the front steering means and rear steering means at the same time, from the driver's cab, as recited in independent claim 77. For at least the above reasons, independent claims 1, 48, 71, and 77 and their respective dependent claims should be allowed.

As noted above, claims 12-47 have been canceled without prejudice to resubmission. Accordingly, the rejection of claims 12-47 under 35 U.S.C. § 251 is moot and should be withdrawn. Additionally, the rejection of claims 23 and 37 under 35 U.S.C. § 112, second paragraph, is moot in light of the cancellation of these claims. Applicants request that this rejection also be withdrawn.

As discussed during the interview, Applicants have amended independent method claim 62 in an attempt to have the restriction requirement removed. Claim 62 has been amended to properly introduce "the frame" by amending the claim to recite --a frame of the machine--, and the following has been inserted at the end of the claim:

the pivoting of the first rear support and steering of the first and second front supports and first rear support including actuating a plurality of actuators; and
controlling at least the pivoting of the first rear support and steering of the first and second front supports and first rear support by an operator positioned in an operator cab.

In the outstanding Office Action, reference is made to differences between the processes of claims 62-70 and the apparatus of claims 1-61 and 71-86. In particular, the Office Action states that the process for using the product of claim 62 could be achieved by a machine that did not include a driver's cab or actuators. See, page 2, last line, of the outstanding Office Action. Process claim 62 now incorporates an operator's cab and actuators. Thus, the examiner's specific rational for restriction has been removed by the amendments to claim 62. In view of this, Applicants submit that examining claims 62-70 with the remaining claims would not pose a serious burden on the examiner. See, M.P.E.P. § 803(I). This request by Applicants that claims 62-70 be examined with the remaining claims should not be interpreted as an assertion that independent claims 62-70 are patentably indistinct from any other claims in this application.

With respect to independent claim 62, Applicants submit that the cited prior art fails to disclose or suggest each and every element of the claim. For example, the cited art fails to disclose or suggest a method of operating a machine including, *inter alia*, controllably pivoting a first rear support between a retracted position and an extended position with respect to a frame of the machine, and steering the first rear support in a coordinated manner with a first and second front supports, as recited in independent claim 62. For at least this reason, Applicants submit that independent claim 62 and its dependent claims should be allowed.

Finally, new claims 87-114 have been added to this application, of which, claims 103 and 107 are in independent form. New claim 87 depends from allowed claim 1 and is allowable for at least this reason. New claims 88-102 depend either directly or

indirectly from independent claim 48 and are therefore allowable for at least the same reasons that independent claim 48 has been allowed.

New independent claim 103 is similar to allowed claim 48 except for the replacement of "electronic control unit" with --control circuit-- in the last phrase of the claim. Applicants submit that claim 103 and its dependent claims are allowable for at least the same reasons that independent claim 48 has been indicated as allowable. For example, the prior art fails to disclose or suggest a machine including, *inter alia*, a first rear support being pivotable about a vertical axis between a retracted position and an extended position, and a steering system controllable from a driver's cab and configured to selectively steer the front supports and at least the first rear support at the same time.

New independent claim 107 is similar to allowed claim 77, but with the addition of "at least one steering hydraulic cylinder" to line 5 of the claim. Additionally, claim 107 differs from allowed claim 77 by the replacement of "front steering means" with --front steering assembly--, "rear steering means" with --rear steering assembly--, and "traction means" with --traction means assembly--. These replacements make it clear that these aspects of the claim are not to be interpreted under 35 U.S.C. § 112, sixth paragraph. Applicants submit that claim 107 and its dependent claims are allowable for at least the same reasons that independent claim 77 has been indicated as allowable. For example, the prior art fails to disclose or suggest a machine including, *inter alia*, a front steering assembly, a rear steering assembly having at least one steering hydraulic cylinder for steering a pivotable rear support, and a steering system accessible from a driver's cab for operating the front steering assembly and rear steering assembly at the same time, from the driver's cab.

Appendix A to this Reply provides exemplary support for each of the claim amendments and new claims submitted with this reply. As noted above, no new matter has been added by this Reply.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. The examiner is encouraged to contact the undersigned at 202.408.4469 if the examiner believes that such a call could expedite prosecution of this application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 1, 2006

By: 

Roland G. McAndrews
Reg. No. 41,450